



PUBLIC NOTICE

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February 3, 2004

COMMENT SOUGHT ON NEW JERSEY BOARD OF PUBLIC UTILITIES PETITION FOR DELEGATED AUTHORITY TO IMPLEMENT WIRELESS NUMBER PORTABILITY

(CC Docket No. 95-116)

Comments Due: February 24, 2004
Reply Comments Due: March 9, 2004

Under the Commission's wireless local number portability (LNP) rules, wireless carriers were required to support number portability in the largest 100 Metropolitan Statistical Areas (MSAs) by November 24, 2003.¹ Carriers are required to support number portability in areas outside the largest 100 MSAs within six months after receiving a request for number portability or by May 24, 2004, whichever is later.² On January 15, 2004, the New Jersey Board of Public Utilities (New Jersey BPU) filed a Petition for Delegated Authority to immediately implement wireless local number portability in four New Jersey counties located outside of the largest 100 MSAs.³ The New Jersey BPU contends that, given the significant presence of wireless carriers in these counties and the substantial consumer demand for wireless services and because wireless carriers in these counties already have the capability to pool and port numbers, the Commission should give the New Jersey BPU delegated authority to immediately implement number portability in these areas.

¹ See 47 C.F.R. § 52.31; Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, WT Docket No. 01-184 and CC Docket No. 95-116, *Memorandum Opinion and Order*, 17 FCC Rcd 14972 (2002) (*2002 Forbearance Order*).

² See Telephone Number Portability, CC Docket No. 95-116, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7314, para. 137 (1997); *2002 Forbearance Order*, 17 FCC Rcd at 14986.

³ Telephone Number Portability, CC Docket No. 95-116, Petition for Delegated Authority to Implement Wireless Local Number Portability from the New Jersey Board of Public Utilities, filed Jan. 15, 2004 (*New Jersey Petition*). The New Jersey Board of Public Utilities seeks delegated authority to implement number portability in the Mercer, Atlantic, Cape May, and Cumberland counties.

The New Jersey BPU also requests that the Mercer, Atlantic, Cape May and Cumberland counties be treated as counties in the top 100 MSA list.⁴ According to the New Jersey BPU, these four counties are small in close proximity to one another. In addition, the New Jersey BPU states that three of the four counties border at least one county in the top 100 MSAs.⁵ The New Jersey BPU also contends that the population in these counties is greater than the population in other counties included in the top 100 MSAs.⁶

We seek comment on the issues raised in the Petition for Delegated Authority. Interested parties may file comments on or before February 24, 2004. Reply comments are due March 9, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁷ Comments and reply comments should be filed in the docket number, CC Docket No. 95-116.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁸ Ex parte presentations that are made with respect to the issues involved in the Petition will be allowed but must be disclosed in accordance with the requirements of § 1.1206(b) of the Commission's Rules.⁹

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filing parties should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, parties should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed

⁴ *New Jersey Petition* at 2, 6.

⁵ *Id.* at 4-5.

⁶ *Id.* at 5

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998); 63 Fed. Reg. 24121 (1998).

⁸ 47 C.F.R. § 1.1206.

⁹ 47 C.F.R. § 1.1206(b).

of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission

The full text of the Petition and responsive comments will be available electronically on the Commission's ECFS under CC Docket No. 95-116. In addition, copies of these documents are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Documents may also be purchased from the Commission's duplicating contractor. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>. For further information concerning this proceeding, contact Jennifer Salhus, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310 (voice) or (202) 418-1169 (TTY) or Pam Slipakoff, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-7705 (voice) or (202) 418-0484 (TTY).

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